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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,607	06/18/2001	Yimin Hsu		3319

7590

07/20/2004

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EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 07/20/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.



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Commissioner for Patents

See attachments.

WJK

William J. Klimowicz
Primary Examiner
Art Unit: 2652

Response to Applicants' Request for Consideration

The Applicants, in a communication filed July 12, 2004 (Paper No. 14), have requested that the Examiner reconsider the Non-Responsive Amendment (Paper No. 13, mailed July 8, 2004).

In the Non-Responsive Amendment, the Examiner set forth that the Applicants' reply filed on June 4, 2004 was not fully responsive to the prior Office Action because the amendment filed on June 4, 2004 (Paper No. 12) amended all claims such that the remaining pending claims were claims drawn to a non-elected invention (MPEP § 821.03).

The Examiner maintained that the remaining claims were not readable on the elected invention (*Species I, Figures 1-10*) because the invention, as defined in amended independent claims 1, 10 and 38, set forth a pole piece P3 which extends to the air bearing surface.

After due consideration to the Applicants' request for reconsideration, the Examiner still steadfastly maintains that as set forth clearly and unequivocally in the Applicants' specification, the amended feature of the third pole piece as being extended down to the air bearing surface (ABS) is a characteristic of **Figure 11**, which had been identified by the Examiner as *Specie II*, drawn explicitly to **Figures 11 and 12** in the original restriction requirement (Paper No. 3, mailed March 31, 2003). See Figures 11 and 12 of Applicants' drawings and page 11, lines 13-26 (in particular, see page 11, lines 13-15 and lines 23-26 of Applicants' specification).

Moreover, the Applicants' ***claimed invention***, as amended in Amendment B (Paper No. 12, filed June 4, 2004) is drawn to such a Figure 11 (Species II), which is NOT the Species the Applicants originally elected. Moreover still, Amendment B removes claims 1, 10 and 38 from

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being considered generic, since they now exclusively read on the non-elected embodiment of Species II (Figures 11 and 12).

It is further noted that the Applicants failed to timely traverse the Examiner's election/restriction requirement.

Thus, the Examiner maintains that the Amendment B is non-responsive for the reasons articulated, *supra*.

Conclusion

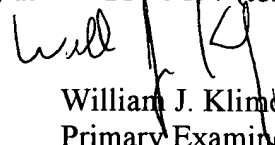
The Applicants' period for reply to the original Non-responsive Amendment (Paper No. 13, mailed July 8, 2004) is still in effect. That is, the Applicants TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, is from the mailing date of the previous notice of Non-Response (Paper No. 13, mailed July 8, 2004) within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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William J. Klimowicz
Primary Examiner
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